

TOWN OF BREWSTER

**PERSONNEL BYLAW
POLICIES & PROCEDURES**

EFFECTIVE JULY 1, 2012

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PART 1 - ADMINISTRATION

1.1 General Provisions

1.1-1 Purpose and Authorization

The purpose of these personnel policies and the Addendums attached hereto is to establish a system for personnel administration governing employment within the Town of Brewster based on modern concepts of personnel management and merit principles which ensure that the recruitment, selection and advancement of personnel shall be based on ability, knowledge, education and skill under fair and open competition. The personnel system shall be administered without regard to race, color, religion, sex, national origin, political affiliation, age as defined by law, sexual orientation or disability.

These personnel policies and the Addendums attached hereto are promulgated by the Board of Selectmen (hereafter abbreviated as BOS), acting as the Personnel Board (hereafter abbreviated as PB), pursuant to the authority granted by the personnel bylaw.

1.1-2 Application

In accordance with Section 36-2 of Chapter 36 (copy attached hereto as Addendum 1) of the Code of the Town of Brewster related to Personnel, all town departments and positions shall be subject to the provisions of these policies. Elected officers, employees with personal contracts, School Department employees, Police Department personnel, and employees covered under collective bargaining agreements shall be governed by the terms and conditions stipulated in those agreements. Employees of the Police Department whose positions are covered by the Personnel ByLaw are governed by the Town of Brewster Personnel ByLaw Policies & Procedures for Brewster Police Department Personnel. No vendor, independent contractor or consultant employed from time to time to provide limited services shall be entitled to any rights or benefits provided under these personnel rules and policies.

1.1-3 Rules of Interpretation

(a) These policies are intended to be in accordance with all applicable state and federal laws. In the event that town policies are inconsistent with the applicable state or federal law the applicable law shall apply.

(b) Words using the singular number may extend and be applied to several persons; words using the masculine gender shall include the feminine gender.

1.1-4 Definitions

The following definitions shall apply:

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- (a) "town" shall mean the Town of Brewster.
- (b) "department head" shall mean the official responsible for supervising or administering the operations of a department.
- (c) "continuous service" shall mean employment consisting of a pre-determined work week which is uninterrupted except by authorized leaves, as provided herein.
- (d) Types of appointments defined:
 - ❖ "Full-Time Employees" - A full-time employee works a minimum of thirty-five (35) hours per week and on a continuing basis (indefinite). Such an employee is subject to all rules and policies and receives all benefits and rights as provided by the Personnel Rules and Regulations.
 - ❖ "Regular Part-Time Employees" – A regular part-time employee works fewer than an annual average of thirty-five (35) hours per week, but more than twenty (20) hours per week, and on a continuing basis (indefinite).
 - ❖ "Seasonal Employees" – A seasonal employee is appointed in the same manner and is subject to the same procedure as a regular employee except that his/her employment will be terminated at the end of the season for which they have been appointed. Seasonal employees shall not be entitled to fringe benefits and holidays.
 - ❖ "Part-Time Employees, less than twenty (20) hours per week" – An employee who works less than twenty (20) hours per week or hours, dates and/or periods of employment that vary from week to week or month to month, such as inspectional or substitute "fill-in" employment, in a manner which may not be continuous, uninterrupted, or predictable.
 - ❖ "Call Employees" – A call employee works only when called or requested for the duration of the specific call, request, event or project. The frequency of work and the number of hours worked varies and is unpredictable.
 - ❖ "Emergency Appointments" - In an emergency, as defined by the Board of Selectmen, the Board of Selectmen may authorize the appointment, without posting, of any qualified person to any position to prevent stoppage of public business, loss or serious inconvenience to the public. However, a vacancy of which the department head has had reasonable notice, or an employment condition of which the department head had, or might with due diligence have had previous knowledge, shall not be considered an emergency under this section. Emergency appointments shall be limited to a period not to exceed thirty (30) days in any twelve (12) month period.
 - ❖ "Limited-Term Appointment" - Limited term appointments may be made, without posting, for a period not in excess of six (6) months by the Town Administrator when services are required for a job or project. Limited-term appointments may be extended by the Town Administrator to cover an additional six (6) months. Limited-term appointments may also be made to fill vacancies resulting from employees on authorized leave of absence.

Duration of such limited-term appointments shall not exceed the period of absence of the employee on such leave.

1.2 Administration of Policies

1.2-1 Responsibilities of the Town Administrator/Board of Selectmen

The Town Administrator shall be responsible for the administration of these policies, subject to the policy direction of the Board of Selectmen. The Town Administrator may delegate responsibilities for the administration of these personnel policies to any subordinate as deemed appropriate.

The Town Administrator shall on behalf of the Board of Selectmen enforce provisions of these policies and shall report failure to comply with any personnel policies to the Board of Selectmen.

The Town Administrator shall report to the Board of Selectmen personnel actions and make recommendations relating to personnel policies.

The Board of Selectmen shall be responsible for the interpretation of these rules and regulations.

1.3 Personnel Records

1.3-1 Policy

The Town Administrator shall be responsible for establishing and maintaining a personnel record keeping system. The personnel record keeping system shall contain such records as may be required by law and as necessary for effective personnel management. All employees and department heads shall comply with and assist in furnishing records, reports and information as may be requested by the Town Administrator.

For privacy and control purposes, it is the goal of the Town of Brewster to minimize the duplication of personnel records and to limit the number of locations where personnel records can be accessed. Department heads are discouraged from maintaining specific or duplicate personnel records separate from the Town's designated centralized location for the storage and maintenance of personnel records.

Personnel records shall be maintained in a secure, fire protected location.

1.3-2 Employees Covered by Record Keeping Policy

All employees.

1.3-3 Contents of Records

The Town Administrator shall maintain an individual personnel file for each employee which may include, but not be limited to, the following : the employment application or resume; a copy of any documented reference checks and background investigation reports; a report of all personnel actions reflecting the original appointment, promotion(s), demotion(s), reassignment(s), transfer(s), separation(s) or layoff(s); history of employment and correspondence directly related to the employee's past employment record, reclassification(s) or change(s) in the employee's rate of pay or position title, commendations, records or disciplinary action, training records, performance evaluation(s) and other records that may be pertinent to the employee's employment.

In confidential files, maintained exclusively by the Town Administrator and separately from the above mentioned files, the Town Administrator shall maintain a copy of:

- ❖ any physical examination reports and health reports relating to the essential elements of the job
- ❖ information related to on-the-job injuries and related leaves of absence
- ❖ self identification of handicap and related documents for requests for reasonable accommodation and all documentation requiring confidentiality under federal or state law.

1.3-4 Confidentiality and Access to Records

Personnel records shall be considered confidential and access to records shall, unless circumstances otherwise dictate, be limited to the Board of Selectmen, Town Administrator, appointing authorities, persons authorized by the Town Administrator to administer the personnel system and department heads. Any employee may upon request to the Town Administrator have access to review his/her personnel file. The employee's review of his/her employment record shall be in the presence of the Town Administrator or persons authorized by the Town Administrator. Access to health and physical condition information or documentation may only be released to outside entities or persons after receipt by the Town Administrator's Office of written release signed by the employee.

1.3-5 Centralization of Record Keeping System Records

Records required to be maintained under this regulation and by any other law shall be maintained in a centralized location under the control of the Town Administrator. These centralized records shall be deemed to be the official depository of personnel records. The Town Administrator shall be responsible for exclusively maintaining any records required by law to be maintained separately.

1.3-6 Notice to Employees

Whenever any material is to be inserted into the personnel file or record of an employee, such employee shall be promptly notified and given a copy of such material upon its insertion. Such material shall be date stamped before its insertion.

1.3-7 Employee Opportunity to Respond

Any employee may challenge the accuracy or propriety of such material by filing a written statement with the Town Administrator of the challenge in the personnel file.

PART 2 - PRE-EMPLOYMENT/EMPLOYMENT

2.1 Recruitment and Appointment

2.1-1 Recruitment Policy

The Town shall be an equal opportunity employer. The Town of Brewster is committed to a policy providing equal employment opportunity. Discrimination against any person in recruitment, examination, appointment, training, promotion, retention or any other personnel action because of political affiliation, race, creed, color, national origin, age, sex, disability, sexual orientation, or any other non-merit factor is prohibited.

2.1-2 Coverage

All employees as described in Section 36-2 of Chapter 36 of the Code of the Town of Brewster.

2.1-3 Eligibility

All qualified persons shall be eligible for employment with the town.

2.1-4 Centralized and Open Application Process

The town may accept applications for employment at any time and in accordance with Section 2.1-5 (b) below. The Town shall maintain applications received for a minimum period of three (3) months time. It shall be the practice of the Town Administrator and department heads to review these general application files when a vacancy arises. The town has no obligation to consider any application filed, nor is the town obligated to notify any applicant concerning an available position vacancy.

2.1-5 Recruitment

The Town Administrator shall be responsible for recruitment, screening of job candidates and making appointments. Department heads shall, if so required by the Town Administrator, participate in the recruitment and selection process for positions within their own departments. However, nothing in this section should be construed to limit the power of the Board of Selectmen to appoint those employees listed under Chapter 5, Article I, Section 5-3 subsection C of the Code of the Town of Brewster (Town Administrator, Town Counsel, Personnel Committee, Police Chief, Fire Chief, Town Clerk and the Director of Operations of the Captains' Golf Course). The minimum qualifications, classification and salary range for positions shall be established in accordance with the classification and compensation plans adopted by the Board of Selectmen.

The Town Administrator shall have the discretion to use all appropriate measures of recruiting personnel, including, but not limited to: use of employment agencies; employee referrals; use of trade and other professional journals, as he/she deems necessary.

(a) Notice of Vacancies

Department heads shall, upon the identification of a vacancy or upon the authorization of a new position, prepare a job vacancy notice. Department heads shall within three (3) business days of any resignation notify the Town Administrator of any such resignation. The job vacancy notice shall be based upon the existing job description or a revised job description which has been approved by the Personnel Board and include: the job title, essential functions of the position, minimum qualifications, salary range, hours of work, a proposed closing date for applications and application instructions.

The Town Administrator's Office shall assess the need to fill the position and, if necessary, shall review and approve all job vacancy notices prior to commencement of recruitment activities.

(b) Posting and Advertisement of Job Vacancy Notices

Advertising should be adequate to ensure that a sufficient number of qualified applicants apply for available vacancies. However, in all circumstances, department heads and the Town Administrator shall ensure that: notices of vacant positions be posted for ten (10) business days, immediately prior to the closing date for applications on the bulletin boards in prominent work locations; and job vacancy notices be placed in a local newspaper at least fourteen (14) days prior to the closing date for applications.

(c) Applications

All candidates applying for employment in the town shall complete an official employment application form and return the form to the office of the Town Administrator prior to the closing date and/or time specified in the position announcement. Each applicant shall sign the form, and the truth of all statements shall be certified by the applicant's signature. All candidates who complete the employment application form accurately and honestly shall be entitled to a fair and equitable review of their qualifications by the individuals designated by the Town Administrator or the Board of Selectmen.

Applications received from former employees shall be subject to the same standards as set forth in this section. However, the former employee's work performance when previously employed by the town and circumstances surrounding the person's termination of previous employment with the town may be considered in the review of applications.

(d) Examinations

The Town Administrator may require an examination as one part of the selection process. Examinations may be written, oral, practical, physical or any combination thereof and shall be relevant, as required by Law, to the requirements and the essential functions of the position.

(e) References

A candidate's former employers, supervisors and/or other references may be contacted as part of the selection process. References and other background investigations, including Criminal Records Investigations, as allowed by federal and state law and in accordance with the Town of Brewster's procedure regarding the same may be completed and made part of the applicant's file. All reference checks and investigations shall be completed prior to the offer of employment, in accordance with appropriate laws.

(f) Application Records

The application, documentation of reference checks and related documents submitted shall be maintained by the Town Administrator in the employee's personnel file. The Town Administrator shall maintain application records for a period required by law. The Town Administrator and the department heads, to the extent possible and to the extent required by appropriate laws, shall maintain the confidentiality of all applications.

2.1-6 Appointments

All appointments shall be made in writing by an appointing authority, with the approval of the Town Administrator and shall be conditional, subject to the provisions of Section 2.1-7, below. The written notice of appointment shall include the starting pay rate, the conditional starting date, any unique or unusual conditions of employment and appropriate additional information. Copies of any letters of appointment of any employee not appointed by the Town Administrator shall be provided to the Town Administrator and the Town Clerk.

2.1-7 Medical Examination

All persons selected for employment with the town, after receipt of notice of conditional appointment, and prior to commencement of employment, may undergo a medical examination, as determined by the Town Administrator, relating to the essential functions of the position as outlined in the job description, which shall be provided to the examining physician by the Town Administrator. The examination shall be at the expense of the town by a physician or medical institution selected by the Town Administrator. The examining physician shall advise as to whether or not, in the opinion of the physician, the

applicant is fit to perform the essential functions of the position. If deemed unfit to perform the essential functions of the position for which the conditional appointment has been made the appointing authority shall rescind the conditional offer of employment.

2.1-8 Failure to Report

An applicant who accepts an appointment and fails to report to work on the date set by the appointing authority, shall, unless excused by the appointing authority, be deemed to have declined the appointment and the offer of employment shall be rescinded.

2.2 Orientation/Probationary Period

2.2-1 Orientation/Probationary Policy

Performance of all employees must meet acceptable work standards. The probationary period shall be utilized to help new and promoted employees achieve effective performance level. To insure that new employees are aware of their duties and responsibilities, department heads shall inform new employees of their rights, responsibilities, duties and obligations. The employee shall be provided with a copy of the personnel policies.

2.2-2 Employees Covered by Orientation/Probationary Policy

All full-time and part-time employees.

2.2-3 Orientation

The Town Administrator or a designee of the Town Administrator shall conduct periodic orientation sessions for new employees, for the purpose of providing new employees with information on benefits, rights and obligations. Each employee governed by this bylaw shall be provided with a copy of these personnel policies and procedures. Orientation regarding specific rules, policies and procedures of the employee's assigned department including the safety policies and procedures will be provided.

2.2-4 Probationary Period

All newly appointed and/or promoted employees shall be required to successfully complete a probationary period to begin immediately upon the employee's starting date or promotion date and to continue for a six (6) month period. The probationary period shall be used by the appointing authority and department heads to observe and evaluate the employee's attitude, conduct, work habits and performance of the essential functions of the position. Upon expiration of the probationary period, the appointing authority shall notify the probationary employee in writing that one of the following three conditions exists:

- (a) The employee's performance meets satisfactory standards and the individual will be retained in the position, or;
- (b) The employee's performance requires additional observation and the probationary period will be extended an additional period of time not to exceed six (6) months, or;
- (c) The employee's performance, attitude or conduct was unsatisfactory and removal will occur.

At any time during the probationary period, or its extension, if applicable, the appointing authority may terminate a newly hired probationary employee. The appointing authority shall notify such probationary employee in writing of termination and the effective date of the action. The employee may not appeal the removal.

At any time during the probationary period, or its extension, if applicable, the Town Administrator, in consultation with the department head may demote a promoted employee to his/her former position after a determination that the employee is not satisfactorily performing the job to which he/she was promoted

2.2-5 Department Head Responsibilities

Department heads during the probationary period of any employee shall, at reasonable intervals but no less than twice, discuss work performance with the probationary employee and provide the employee with an assessment of his/her performance. The department heads shall be responsible for documenting these discussions and copies of such documentation shall be submitted to the Town Administrator to be filed in the employee's personnel file.

2.3 Transfer, Promotion, Demotion, Past Employment Service Credit and Resignation

2.3-1 Coverage

All full-time and part-time employees.

2.3-2 Transfers

When a vacancy occurs, the appointing authority may temporarily transfer an employee from one position to another if the employee meets the qualifications for the particular position. If the vacancy becomes permanent, the recruitment policies described in section 2.1 of these personnel policies and procedures shall be followed.

2.3-3 Promotion

(a) Filling of Vacancies

The Town of Brewster seeks to promote employees from within when it is possible to do so.

(b) Notification

Notice of the existence of vacancies shall be posted in town departments for ten (10) working days prior to advertising in the local media.

(c) Probationary Period

All promotions shall be subject to a probationary period of six (6) months. If during this probationary period the Town Administrator, in consultation with the department head determines that the job is not being satisfactorily performed, the employee shall be returned to their former position without prejudice.

2.3-4 Demotion

An employee may be demoted to an available position of lower grade for which he is qualified for any of the following reasons:

(a) When an employee would otherwise be laid off resulting from the abolition of a position; the employee's position is reclassified to a higher grade for which the employee is not qualified; lack of work; disciplinary action ; lack of funds; or because of the return to work from authorized leave of another employee to such a position in accordance with the rules of leave.

(b) When an employee does not possess the necessary qualifications to render satisfactory service in the position he holds.

(c) When an employee voluntarily requests such demotion.

All demotions shall be approved by the appropriate appointing authority.

2.3-5 Past Employment Service Credit

An employee who has resigned with a good record or is on a leave of absence may be re-employed. A full-time or regular part-time employee who has left the service of the town voluntarily and who is re-employed by the town within two (2) years according to the provisions of the Personnel By-Law, shall after one (1) year of service after his/her return receive credit for prior employment service in the calculation of certain compensation and benefits entitlements, to include merit increments, longevity, vacation and sick leave. An employee who has been involuntarily laid off and is rehired by the Town within two (2)

years of his/her lay off shall immediately receive credit for prior employment service in the calculation of all compensation and benefits entitlements.

2.3-6 Resignation

Any employee who resigns from town employment shall provide notice of at least ten (10) working days to the department head. Department heads shall within three (3) business days of any resignation notify the Town Administrator of any such resignation. Any employee who resigns shall be obligated to complete necessary forms and shall be required, to the extent possible, to meet with the Town Administrator and/or his/her designee for an "exit interview".

PART 3 - COMPENSATION AND CLASSIFICATION

3.1 Classification Plan

3.1-1 Policy

The town shall establish a uniform system for classifying positions and establish proper relationships between positions based on reasonable criteria.

3.1-2 Coverage

All full-time and part-time employees.

3.1-3 Classification Plan Administration

The Town Administrator shall have responsibility for the administration of the classification plan and may, after consultation with the BOS/PB, be authorized to:

- (a) complete studies of new positions and make allocations to existing classes, establish a new class of positions, or delete a class of positions;
- (b) provide for studies of existing positions when there has been a substantial change in the duties and responsibilities which justify consideration of possible reclassification;
- (c) conduct periodic studies to insure the classification plan remains uniform and current; and
- (d) develop procedures to determine the proper classification of each position and classify positions.

3.1-4 Classification of New Positions

Appointing authorities proposing the creation of new positions shall provide the BOS/PB with a description of the essential functions, skills, knowledge, abilities and other work performance requirements of a proposed position in sufficient detail to enable the BOS/PB to appropriately classify the position.

3.1-5 Reclassification of Positions and Periodic Reviews

Positions may not be reclassified without a review and approval of the BOS/PB. The board shall review all positions subject to the classification plan in accordance with proper personnel practices.

3.1-6 Classification Plan

The classification plan shall be reviewed and shall be effective only if adopted by the BOS/PB.

3.2 Compensation Plan

3.2-1 Policy

The BOS/PB shall establish a compensation plan. The Town Administrator shall be responsible for the administration of the compensation plan.

3.2-2 Coverage

All full-time, part-time and seasonal employees in accordance with Section 36-2 of Chapter 36 of the Code of the Town of Brewster and as further identified herein.

3.2-3 Starting Rates for New Appointments

Persons newly appointed to positions shall be paid at the minimum rate, provided, however, the appointing authority may recommend, on the basis of exceptional qualifications, compensation at a higher rate within the approved corresponding pay range indicated in the then-current compensation plan. Written justification for starting pay rates above the minimum shall be provided as documentation to the employee's personnel file.

3.2-4 Payroll Frequency

The Town shall compensate employees using a bi-weekly (every two weeks) pay roll system

3.2-5 Promotion

An employee who receives a promotion shall be compensated at a rate of pay that the appointing authority believes the employee's qualifications and performance warrants, provided that the pay rate is within the approved pay range for the position he/she shall hold, in accordance with the then-current compensation plan.

3.3 Performance Appraisal

3.3-1 Policy

There shall be a annual performance appraisal for each employee. The nature of the evaluation shall be determined by the Town Administrator. It is the intention of the town to link compensation with performance.

3.3-2 Coverage

All full time and part time employees in accordance with Section 36-2 of Chapter 36 of the Code of the Town of Brewster.

3.3-3 Procedures

The nature of the performance evaluation system, the type of forms and process established shall be determined by the Town Administrator and he/she shall be responsible for the administration of the performance evaluation system that is established.

(Also see Section 6.10 Performance Appraisal Process**)**

3.4 Overtime

3.4-1 Policy

The Town shall pay overtime, when authorized, in conformance with the Fair Labor Standards Act (FLSA). Department heads shall be responsible for the control and authorization of overtime. Overtime work shall be authorized at the discretion of a Department Head, with consideration given to the department's budget and staffing options. Executive, administrative and professional employees shall be entitled to compensatory time off (hour for hour) for time worked in excess of a normal work-week of 35-40 hours per week as established by the classification plan. The Town Administrator may grant compensatory time in accordance with the FLSA.

3.4-2 Employees Covered by the Overtime Policy

All employees, excluding all executive, administrative and professional employees and salaried Department Heads, shall be entitled to overtime in accordance with the FLSA.

3.4-3 Executive, Administrative and Professional Employees and Salaried Department Heads

According to Section 541.118 of the Fair Labor Standards Act, all salaried Department Heads are defined as "employee(s) employed in a bona fide executive, administrative or professional capacity", and are exempt from Section 7 of the Act related to compensatory time and compensatory time off.

The Town Administrator may, but is not required to, grant salaried employees compensatory time off for hours worked (on an hour for hour basis) in excess of a normal work-week of 35-40 hours per week as established by the classification plan.

Compensatory time off must be taken within the fiscal year in which it is earned and can not be carried over. Under normal circumstances, compensatory time off will only be

granted if doing so will not cause an office to be vacant or unattended during regular office hours. Every effort is to be made to staff offices during regular office hours.

The granting or denial of compensatory time is not subject to the grievance or arbitration process. All use of compensatory time or flexible hours must be coordinated with the office of the Town Administrator and the employee's supervisor.

PART 4 - STANDARDS OF CONDUCT

4.1 Standards of Conduct

4.1-1 Policy

All persons employed by the Town hold a position of public trust and as a result town employees must present themselves in a professional and appropriate manner. Town employees shall avoid any action which might create the impression of using public office for private gain, giving preferential treatment to any person, or losing impartiality in conducting town business. Employees are expected to adhere to conduct established by law. All employees may be subject to disciplinary action for acting in a manner that is not consistent with these standards of conduct.

**Incorporated herein and made a part hereof by reference is Professional Conduct Policy #7 issued by the Brewster Board of Selectmen and attached hereto in Addendum 2, as the same may be amended from time to time.

4.1-2 Employees Covered by Standards of Conduct

All employees.

4.1-3 Harassment Policy

The Town of Brewster shall not allow any form of harassment or any such conduct that has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Such conduct, when experienced or observed, should be reported to the Town Administrator. The Town Administrator shall conduct an investigation immediately.

It is the intent and desire of the Town of Brewster, in accordance with applicable federal and state laws, to provide a work environment free from all forms of sexual harassment, including but not limited to verbal, physical and visual (signs, poster or documents) harassment and implicit and explicit unwelcome sexual advances or requests for sexual favors.

**Incorporated herein and made a part hereof by reference is the Town of Brewster Discriminatory Harassment Policy #25 issued by the Brewster Board of Selectmen and attached hereto in Addendum 2, as the same may be amended from time to time.

4.1-4 Substance Abuse Policy

**Incorporated herein and made a part hereof by reference are (a) Drug, Alcohol and Substance Abuse Policy and (b) Alcohol and Drug Use and Testing Policy For Safety-

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Sensitive Drivers, as attached hereto in Addendum 2, as the same may be amended from time to time.

4.1-5 Smoking Policy

In accordance with the Brewster Board of Health Tobacco Use Regulation, smoking is prohibited in all public places. Violations are subject to fine. Repeated violations may subject the employee to disciplinary action.

4.1-6 Telephone Policy

The Town's telephone lines and communication devices such as phones, radios, pagers and "walkie-talkies" are for conducting Town business. Personal calls must be limited to an absolute minimum. Emergency telephone lines and devices are for in-coming calls only and should never be used for out-going calls. Repeated violations may subject the employee to disciplinary action.

4.1-7 Safety Policy

Employees shall be required to wear and use appropriate safety equipment, in accordance with departmental policies, at all times while undertaking the work for which the equipment is furnished. There shall be no exceptions.

Department heads and supervisors shall: assume full responsibility for the safety of working areas; recommend correction of deficiencies noted in work procedures, facilities, safety clothing or equipment or attitudes of employees; insure the availability and utilization of appropriate protective clothing and equipment; observe working conditions and field procedures to prevent possible safety hazards; and investigate and report all accidents promptly.

Each employee shall observe all safety rules, operating procedures and safety practices; use personal protective equipment; report unsafe areas, conditions, or other safety problems; report all accidents promptly to the appropriate supervisor.

Employees including supervisors violating safety rules, practices and policies may be subject to disciplinary action.

4.1-8 Use of Internet Policy

The Town of Brewster provides computer and internet access as a tool for work-related information gathering to those positions authorized by the Town Administrator. Access is to be limited to work-related inquiries. Improper use of the internet by employees, authorized or otherwise, may result in the loss of internet privileges or disciplinary action depending on the nature and severity of the indiscretion(s).

4.1-9 Use of Electronic Mail (E-Mail) Policy

The Town of Brewster provides e-mail as a work-related communication tool to those positions authorized by the Town Administrator. Use of e-mail is encouraged as a means of reducing paper and providing quick inter-departmental communications. Abuse or inappropriate use of the e-mail system may result in loss of e-mail privileges and/or disciplinary action, depending on the nature and severity of the indiscretion(s).

**Incorporated herein and made a part hereof by reference is Computer and Internet Policy #35 and attached hereto in Addendum 2, as the same may be amended from time to time.

4.1-10 Global Position System (GPS) Devices on Town Vehicles

The Town reserves the right to monitor the whereabouts of any Town vehicle at any time via global positioning device(s).

**Incorporated herein, and made a part hereof by reference, is the Selectmen's Policy #12, "Official Vehicle Use Policy", which is attached hereto in Addendum 2, as the same may be amended from time to time.

PART 5 - DISCIPLINARY AND GRIEVANCE PROCEDURES

5.1 Disciplinary Procedure

5.1-1 Policy

The Town Administrator, department heads and supervisors shall be responsible for enforcing standards of conduct and rules and policies. Failure to comply with standards of conduct or any rules and policies may result in disciplinary action. Disciplinary action shall include only the following: oral reprimand, written reprimand, disciplinary probation, suspensions and discharge. Department heads shall be responsible for preparing written documentation of any and all disciplinary action imposed. All written documentation shall be provided to the Town Administrator and shall be filed in an employee's personnel file in the centralized personnel record keeping system. Should disciplinary action be rescinded through the grievance process, such references to the action shall be removed from the employee's personnel file.

5.1-2 Coverage

All full-time, part-time and seasonal employees in accordance with Section 36-2 of chapter 36 of the Code of the Town of Brewster.

5.1-3 Procedures

(a) Oral Reprimand

A department head or a supervisor may issue an oral warning to the employee. An oral reprimand shall be noted in the employee's personnel file.

(b) Written Reprimand

A department head may issue a written warning. A copy of the written warning shall be placed in the employee's personnel file and carry a specified period in which the behavior shall be improved.

(c) Disciplinary Probation

A department head, with prior approval from the Town Administrator and with due cause, may place an employee on disciplinary probation.

(d) Suspension

A department head, with prior approval from the Town Administrator and with due cause, may suspend an employee without pay for a period or periods not to exceed ten (10) working days in any twelve (12) month period. Suspension may be in lieu of oral reprimand, written reprimand and disciplinary probation and may be effective immediately. Within forty-eight (48) hours of the effective date of the suspension the employee shall be provided with a written notice stating the reasons

for and the length of the suspension. Suspensions exceeding ten (10) working days in any twelve month period may be issued by the Town Administrator, after consultation with the employee's department head.

(e) Discharge

An employee may be discharged for cause. The Town Administrator, after consultation with the employee's department head, shall provide the employee with a written notice of discharge and the effective date of the discharge. Depending upon the severity of the offending actions of the employee, discharge may occur despite the lack of prior disciplinary action.

5.2 Grievance Procedure

5.2-1 Policy

The intent of the grievance procedure is to reconcile employee grievances in an efficient, appropriate and effective manner. Participants in the grievance process are expected to act appropriately and further respect the grievance process.

5.2-2 Employees Covered by Grievance Procedure

All full time and part time employees.

5.2-3 Grievance Procedure

The term "grievance" shall mean any dispute concerning the application or interpretation of these personnel rules and policies or disciplinary procedures. Resolution shall be sought in the following manner:

(a) An aggrieved employee shall make an effort to discuss any matter of dispute with his or her immediate supervisor in a mutual effort to resolve any problem or misunderstanding. Notwithstanding the above, an aggrieved employee shall present a grievance, in writing, to his or her immediate supervisor not later than ten (10) calendar days from the time the employee has knowledge or reasonably should have had knowledge of the occurrence which gave rise to the grievance. The written grievance shall contain the following information:

- ❖ The section(s) of these personnel rules and policies upon which the grievance is based
- ❖ The occurrence(s) being grieved
- ❖ Applicable date(s) and time(s)
- ❖ Any pertinent information relative to the grievance
- ❖ The relief that is desired

The supervisor, within five (5) working days of his or her receipt of the written grievance, shall provide an answer, in writing, to the aggrieved employee.

If the grievance is not resolved to the satisfaction of the aggrieved employee and the immediate supervisor and the department head are the same person, the employee may continue by following the procedure set forth in (c) below or, if the immediate supervisor and the department head are not the same person, the employee may continue by following the procedure set forth in (b) below.

(b) The aggrieved employee shall, within five (5) working days after receipt of a written answer from his or her immediate supervisor or within ten (10) working days after presentation of the written grievance to his or her immediate supervisor, present the grievance in writing to his or her department head in accordance with the procedure as set forth in (a) above. The department head, within five (5) working days of his or her receipt of the written grievance, shall provide an answer, in writing, to the aggrieved employee. If the grievance is not resolved to the satisfaction of the aggrieved employee, the employee may continue by following the procedure set forth in (c) below. In the event that the department head and the Town Administrator are the same person, the employee may continue by following the procedure set forth in (d) below.

(c) The aggrieved employee shall, within five (5) working days after receipt of a written answer from his or her department head or within ten (10) working days after presentation of the written grievance to his or her department head, present the grievance in writing to the Town Administrator in accordance with the procedure as set forth in (a) above. The Town Administrator, within five (5) working days of his or her receipt of the written grievance, shall provide an answer, in writing, to the aggrieved employee. If the grievance is not resolved to the satisfaction of the aggrieved employee, the employee may continue by following the procedure set forth in (d) below.

(d) The aggrieved employee shall, within ten (10) working days after receipt of a written answer from the Town Administrator or within twenty (20) working days after presentation of the written grievance to the Town Administrator, present the grievance to the Board of Selectmen, in writing, in accordance with the procedure as set forth in (a) above, together with a written request for a hearing. The Board of Selectmen shall hold a hearing on the grievance and shall answer the grievance, in writing, within thirty (30) days after its receipt by them. The Board of Selectmen may support, modify or reverse the action of the Town Administrator. The decision of the Board of Selectmen shall be final.

5.2-4 Procedural Protections

Employees may be represented by counsel or another representative during the grievance process. Any expenses incurred by an employee during the course of the grievance process shall be borne by the employee. Any employee, including the grievant, who is required or requested to be present at any hearings on a grievance shall not lose any pay for work time lost.

Department heads and/or supervisors shall not retaliate or take any disciplinary action against an employee based upon the filing of a grievance.

5.2-5 Failure to Act

Grievances are expected to be filed in a timely manner and all time limits specified in the grievance process procedures shall be met by all parties involved provided, however, any time limit may be extended by written agreement between the Board of Selectmen and the employee filing the grievance. Failure of the employee to meet the time limits specified in this section shall result in a grievance being denied, closed and further declared null and void.

PART 6 - PERSONNEL PRACTICES

6.1 Holidays

6.1-1 Coverage

All regular full-time and regular part-time employees in accordance with Section 36-2 of Chapter 36 of the Code of the Town of Brewster. Temporary employees, part time employees working less than twenty (20) hours per week, call and seasonal employees are not eligible for paid holidays off or holiday pay for holidays worked.

6.1-2 Recognized Holidays

The following holidays shall be recognized by the town on the day on which they are legally observed, and on these days, employees who are scheduled to work shall be excused from all duty, without loss of pay, except in cases where the employee is required to work in order to maintain essential town services:

New Year's Day	Labor Day
Martin Luther King Day	Columbus Day
President's Day	Veteran's Day
Patriots Day	Thanksgiving Day
Memorial Day	The day following Thanksgiving Day
Independence Day	1/2 day prior to Christmas Day*
	Christmas Day

***In a calendar year in which Christmas Falls on a Saturday, Sunday or Monday, there will be no one-half (1/2) day off on the preceding Friday; however, when Christmas falls on Tuesday, the Town will grant one full day off on the day preceding the Christmas holiday.**

Whenever one of these designated holidays falls on a Saturday, those permanent employees scheduled to work on the preceding Friday shall be excused from duty on that Friday, with pay. Whenever one of these designated holidays falls on a Sunday, those permanent employees scheduled to work on the following Monday, shall be excused from duty on that Monday, with pay. Should Town Hall be open on these alternate days, the Town Administrator may require sufficient employees to report to work to insure the provision of essential services to the residents of Brewster and will provide such employees an alternative day off with pay.

6.1-3 Terms of Holiday Pay

Holiday pay shall be granted as follows:

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- (a) A full time employee paid on an hourly basis will receive only a day's pay at the regular rate based on the number of hours regularly scheduled on the day on which the designated holiday occurs.
- (b) Holiday pay shall be granted to an eligible employee provided that the employee was not off the payroll on the employee's last scheduled working day prior to the date of the holiday, and the next regularly scheduled working day following such holiday, or was in full pay status on such preceding and following days in accordance with other provisions of these policies, or was appropriately excused.
- (c) For the purposes of this section, when an eligible hourly employee is required to work on a designated holiday, holiday pay shall be one and one half (1.5) times the base rate of pay, with the exception of Thanksgiving Day and Christmas Day. On Thanksgiving Day and Christmas Day holiday pay shall be two (2) times the hourly rate of base pay.
- (d) Salaried employees are not eligible for "holiday pay" over or above their regular pay. Salaried employees who are required to work on an observed holiday shall be granted equivalent compensatory time off.
- (e) When an eligible employee is on vacation during a designated holiday, pay for the holiday shall be considered holiday pay, rather than vacation pay, and the employee's vacation leave will not be charged.
- (f) Part-time hourly employees who work an annual average of 20 or more hours per week and in continuous service with the Town, shall be granted holiday pay in the same proportion that his/her part-time service bears to full-time service if the employee would normally have been scheduled to work on the designated holiday.
- (g) A part time employee who is ineligible for holiday pay in accordance with these personnel policies (i.e.; one who works an annual average of less than 20 hours per week) may, at the discretion of his/her department head, work an adjusted schedule in a holiday week to maintain the employee's usual number of work hours for the pay period.

6.2 Vacation Leave

6.2-1 Coverage

Full-time employees in accordance with Section 36-2 of Chapter 36 of the Brewster Town Code.

6.2-2 Accrual of Vacation

The vacation year shall be determined by the employee's anniversary date of hire with the Town. Vacation shall be granted in accordance with the following schedule:

- (a) Full-time employees in continuous service of the town for more than six (6) months but less than one (1) year of employment who have successfully completed the probationary period shall earn five (5) days of vacation leave with pay to be used during the first year of employment.
- (b) Full-time employees in continuous service of the town for more than one year, but less than five years of continuous service, shall earn ten (10) days per year of vacation leave with pay.
- (c) Full-time employees in continuous service of the town for more than five years, but less than ten years of continuous service shall be entitled to fifteen (15) days per year of vacation leave with pay.
- (d) Full-time employees in continuous service of the town for more than ten years, but less than fifteen years of continuous service shall be entitled to twenty (20) days per year of vacation leave with pay.
- (e) Full-time employees in continuous service of the town in excess of fifteen years shall be entitled to twenty-five (25) days per year of vacation leave with pay.
- (f) Part-time employees who work less than 20 hours per week are not entitled to paid vacation leave. Regular part-time employees who work more than twenty hours per week shall be granted vacation leave in the same proportion that his/her part-time service bears to full-time service.
- (g) Employees utilizing paid vacation leave in advance of earning it shall be required to re-pay the Town if they do not remain in the Town's employment long enough to earn the vacation leave taken.

6.2-3 Scheduling

Vacation leave shall be authorized by department heads at such times, in the opinion of the department head, as to cause the least interference with the performance of regular work of the Town. In cases where the vacation requests by employees in the same department conflict, preference, subject to the operational needs of the Town, shall be given to employees on the basis of years of continuous employment with the Town. Vacation must be taken within the allocated year, and shall not accumulate, beyond the employee's next anniversary date, unless written permission is received by the employee from the Town Administrator.

6.2-4 Termination

Whenever employment is terminated by dismissal through no fault or delinquency on the part of the employee, or by retirement/resignation, or entrance into the military, the employee shall be paid an amount for that portion of the vacation allowance earned but not used in the vacation year during which termination occurred up to the time of the employee's separation from the payroll.

If the employee leaves during the fiscal year and has already taken his full vacation allotment, there shall be a deduction from his final pay check(s) of the amount of vacation pay he used but had not yet earned.

6.2-5 Death

Whenever employment is terminated by death, the estate of the deceased shall be paid an amount for that portion of the vacation allowance earned but not used in any vacation year during which the employee died up to the time of his separation from the payroll.

6.2-6 Holiday While on Vacation

Any paid holiday falling within a vacation period will not be charged to vacation leave.

6.3 Sick Leave

6.3-1 Coverage

Full-time employees in accordance with Section 36-2 of Chapter 36 of the Code of the Town of Brewster.

6.3-2 Accumulation

Full-time employees shall earn sick leave at the rate of one and one quarter (1 1/4) days per month for each month actually worked up to a maximum of fifteen (15) days per year.

Unused sick leave may be accumulated from year to year up to a maximum of:190 (one hundred ninety) days.

Regular part-time employees who work less than 20 hours per week are not entitled to accumulated sick leave. Regular part-time employees who regularly work twenty (20) or more hours per week shall earn sick leave in the same proportion that his/her service bears to full-time service.

6.3-3 Use of Sick Leave

Sick Leave is intended to allow for continued compensation for an employee who is sick or injured and incapable of working.

(a) Occupational Illness or Injury

An employee who suffers a personal injury or illness arising out of or in the course of his/her employment with the Town of Brewster will be entitled to benefits pursuant to G.L.C.152 (Workers Compensation Law). The employee shall receive his/her base pay, less any payment received under the Workmen's Compensation Law of the Commonwealth provided the employee has accumulated sick leave in his/her account from which sick leave may be deducted. The deduction from the employee's sick leave account will begin with the date of injury.

(b) Non-Occupational Illness or Injury

It is understood that sick leave is a benefit to be accumulated and not used except as specified herein. An absence reported as sick leave and not used as specified is cause for disciplinary action. An employee's sick leave credit shall be deducted for each day's absence under the following conditions:

- (1) When an employee is unable to perform his/her duties because he/she is incapacitated by personal illness or injury.
- (2) When the spouse/domestic partner or son/daughter is ill, an employee may utilize up to a maximum of five (5) days of sick leave credits per fiscal year.
- (3) When an appointment with a health care provider cannot reasonably be scheduled outside of normal working hours. Such deduction to sick leave is not to exceed three (3) hours per appointment.
- (4) When, through exposure to a contagious disease, the presence of the employee at his/her work location would jeopardize the health of others.

(c) Upon return to work following a sick leave of five or more consecutive workdays, an employee may be required to undergo a medical examination to determine his/her fitness for work. The employee, if he/she so desires, may be represented by a physician of his/her choice.

(d) The Town may require a physician's certificate of illness for an employee who reports his/her inability to report for duty because of illness or injury for three (3) consecutive workdays or more than eight (8) workdays in a calendar year. This certificate of illness shall consist of a signed statement by a licensed healthcare practitioner that he/she has personally examined the employee and shall contain a statement that the employee was not able to perform his or her duties due to the specific illness or injury on the days in question; and a prognosis for the employee's return to work. Failure to produce such evidence within seven (7) days of its request

may result, at the discretion of the Town Administrator, in denial of sick leave for the period of absence.

(e) An employee having no sick leave credits, who is absent due to illness, may be required to apply other paid leave toward the absence.

(f) Employees requesting sick leave under this provision must notify the designated representative of the department head at last one (1) hour before the start of his/her work shift on each day of absence. Such notice must include the general nature of the disability and the estimated time for which the employee will be absent. Where circumstances warrant, the department head or designee shall reasonably excuse the employee from such daily notification.

6.3-3.5 Abuse of Sick Leave

A. The parties agree that sick leave abuse by employees is inappropriate. Sick leave abuse shall be defined as:

1. submitting false or inaccurate information to the Town concerning the reason the employee needed to use sick leave;
2. a repeated pattern of taking sick leave in conjunction with weekends, holidays and other paid leave;
3. use of more than **eight (8)** sick days per year, unless the employee submits the appropriate medical certificate verifying the illness and inability to work. Under the America Disability Act (ADA) the Town can not ask the nature of a person's disability. The medical certificate will simply indicate that the employee was seen by an appropriate health care provided and was:
 - a.) unavailable to work for a defined period of time, or
 - b.) the employee is fit to return to work

B. Any employee who has been determined to have abused sick leave shall be subject to progressive discipline. In addition, any employee who has been determined to have abused sick leave shall be placed upon sick leave restrictions for a period of one (1) year unless he has been discharged. An employee who is determined to have abused sick leave shall be notified in writing of the manner in which he/she abused sick leave.

6.3-3.6 Incentive to Minimize Use of Sick Leave

If an employee utilizes five (5) or fewer days of sick leave per fiscal year, he/she shall be granted one (1) day of personal leave on July 1st of the following fiscal year, to be taken in accordance with the guidelines outlined in Section 6.4-6, herein.

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If an employee utilizes three (3) or fewer days of sick leave per fiscal year, he/she shall be granted two (2) days of personal leave on July 1st of the following fiscal year, to be taken in accordance with the guidelines outlined in Section 6.4-6, herein.

6.3-4 Sick Leave Bank

The basic purpose of the Sick Leave Bank, hereafter referred to as the Bank, is to provide additional leave time to a member who has exhausted his/her own sick leave time and is in an extended illness situation. The Bank is designed to not present any additional cost to the Town of Brewster in terms of sick leave time or management of the program. The intent is to provide income through sick leave time to the member in need of it by the membership as a whole.

The following will be the format of the functioning and administration of the Bank:

- (a) The administration of this Bank shall be vested in a Sick Leave Bank Committee comprised of three (3) persons, two (2) of whom shall be elected by the employees of the Town of Brewster who are covered by the Personnel Bylaw and one (1) who shall be the Town Administrator and who shall serve as chairperson.
- (b) In order to be eligible for membership in the Bank, an employee must have at least ten (10) accumulated sick days.
- (c) Each employee who wishes to become a member shall notify the Committee of their intent and shall contribute two (2) days of annual sick leave into the Bank on July 15th.
- (d) Each subsequent year, each member of the Bank will donate one (1) sick day at the beginning of each fiscal year with the following exception: After a member has accumulated the maximum number of sick days, he/she may donate a maximum of two (2) days per fiscal year as long as he/she remains above the maximum accumulation.
- (e) A member must have exhausted all of his/her accumulated paid sick leave prior to using Bank days.
- (f) Only those employees who are active members will be eligible to apply for use of sick leave bank days.
- (g) A member must request use of Bank days by submitting a written request to the Bank Committee Chairperson on a form approved by the Bank Committee.

- (h) Any member of the Sick Leave Bank who requests use of Bank days agrees to permit the Bank Committee access to his/her attendance and sick leave records.
- (i) The Bank Committee shall vote on each request of Bank days and report their vote to the Town Administrator within ten (10) business days of their receipt of the request. Approval of the Bank Committee is necessary to be entitled to the use of Bank days.
- (j) The denial of the Bank Committee is not subject to the grievance procedure.
- (k) When a member applies to the Bank Committee to use bank days, an employee will be limited to receiving double the number of days the member had available to use from his/her own sick leave account for the present illness or injury.
- (l) The limitation imposed by Paragraph K above can be waived by a unanimous vote of the Bank Committee. The Committee will then set the number of days available for the member to use.
- (m) The Bank Committee has the right, in case the Bank has depleted all of its days, to come before the membership for additional assessment of sick days, subject to 2/3 vote of members present at the meeting.
- (n) Any member who has used Bank days, may at his/her discretion, repay any or all days used.
- (o) Any employee who is an active member of the Bank and is ill and unable to contribute sick leave days on July 1st or at request time, shall not be penalized or removed from membership.

6.3-5 Retirement and Sick Leave Payment

Upon retirement, pursuant to the Barnstable County Retirement Plan Rules and Regulations pertaining to retirement, employees will be eligible for payment of ten (10) percent of the dollar value of unused sick leave, up to a maximum of one hundred and ninety (190) days. An employee's current unused sick leave will be included in the maximum number of days eligible for buy-back. Payment shall be based upon the wages and salary of the employee at retirement.

6.3-6 Return to Duty

When an employee has been absent from work due to illness or injury in excess of three (3) consecutive days, a written statement from a health care professional may be required to clear the employee to return to duty and capable of performing the essential functions of the job, with or without specific temporary or long term accommodations. If no

written statement is available, the Town may, at its own expense, require the employee to undergo evaluation by a health care professional who will submit written documentation for the purposes of determining whether the employee is ready and able to return to duty.

6.4 Bereavement Leave, Civil Leave, Leaves of Absence, Military Leave and Emergency Personal Leave

6.4-1 Coverage

All full-time employees and regular part-time employees, in accordance with Section 36-2 of Chapter 36 of the Code of the Town of Brewster, unless otherwise provided. Temporary employees, part-time employees working less than twenty (20) hours per week, call and seasonal employees are not eligible for paid bereavement leave.

6.4-2 Bereavement Leave Policy

- (a) Full-time and regular part-time employees shall be granted up to five (5) days of leave with pay in the event of a death in the immediate family, including parent, spouses, sons/daughters, step-parents and step-children.
- (b) Bereavement leave of up to three (3) consecutive workdays with pay shall be granted to full-time employees for the death of an employee's extended family member including, but not limited to, sister(s), brother(s), grandparent(s), mother-in-law, or father-in-law, brother-in-law, sister-in-law, or grandchildren. Additional leave may be granted at the discretion of the employee's Department Head with the approval of the Town Administrator.
- (c) A full time or regular part-time employee paid on an hourly basis will receive only a day's pay at his/her regular rate based on the number of hours regularly scheduled on the day(s) for which bereavement leave is requested.
- (d) Bereavement leave shall be granted to an eligible employee provided that the employee was not off the payroll on the employee's last scheduled working day prior to the day(s) for which bereavement leave is requested and the next regularly scheduled working day following the day(s) for which bereavement leave is requested, or was in full pay status on such preceding and following days in accordance with other provisions of these policies, or was appropriately excused.
- (e) Salaried employees are not eligible for "bereavement pay" over or above their regular pay.
- (f) If an eligible employee is on vacation when the need for bereavement leave occurs, the employee's vacation leave balance will not be charged.
- (g) Part-time hourly employees who work an annual average of twenty (20) or more hours per week and in continuous service with the Town shall be granted bereavement leave pay in the same proportion that his/her part-time service bears to full-time service if the employee would normally have been scheduled to work on the day(s) for which bereavement leave is requested.

(h) A part time employee who is ineligible for bereavement leave in accordance with these personnel policies (i.e.: one who works an annual average of less than 20 hours per week) may, at the discretion of his/her department head, work an adjusted schedule to maintain the employee's usual number of work hours for the pay period.

6.4-3 Jury Leave Policy

A full time or regular part time employee summonsed as a Juror will be granted a leave of absence with pay during the period of his/her jury duty. However, compensation received as a Juror will be deducted from the employee's compensation from the Town. (Employees who receive payment for jury service must give that amount or check to the Town prior to receipt of the paycheck covering that period.) Written notice of jury duty must be provided to the Town at least two weeks prior to the day(s) to be served. Written notice of service must be provided upon return to work in order for an employee to be paid for time spent in such service.

6.4-4 Military Leave Policy

(a) Regular employees who serve in the Armed Forces of the United States, under orders, will be allowed the difference between the base pay he/she receives for such services and his/her regular rate of compensation from the Town, for a period of not more than seventeen (17) calendar days of military leave attributable to their annual tour of military duty.

(b) An employee shall be entitled, during the time of his/her service in the Armed Forces of the Commonwealth, or during his/her tour or duty as a member of a reserve component of the Armed Forces of the United States, to be released from his/her work without compensation in order to attend assigned weekly and weekend drills which require absence from their normally scheduled work tour, as defined in Chapter 33, Section 59A of the Massachusetts General Laws.

6.4-5 Leave of Absence Policy

The Town Administrator may, with approval of the BOS/PB, grant leaves of absence without compensation for periods not to exceed one year's duration, with a guarantee of reinstatement in the same or an equivalent capacity as previously employed, upon the written request of an employee. The written request shall include a detailed statement of the reason for the requested leave. Only those employees completing at least one year of continuous service shall be eligible for leaves of absence under this section. A copy of the approved written request shall be placed in the employee's personnel file.

Employees granted a leave of absence shall not be entitled to other benefits as may be provided by the town, including, but not limited to seniority, sick leave, vacation leave and compensation during the periods of the leave. An employee granted a leave of absence

for a period of thirty (30) days or less shall be entitled to coverage under applicable group health and life insurance plans. An employee granted a leave of absence for a period of greater than thirty (30) days may be provided coverage under applicable group health and life insurance plans, provided that the employee pays the total premium cost plus any associated administrative fees.

Leaves of absence shall not be granted to enable an employee to accept other employment or for self employment. Employees who engage in such employment during a leave of absence shall be terminated.

Any request for leave of absence, an extension of a leave of absence, or reinstatement after such leave without pay shall be made in writing.

If an employee shall fail to request reinstatement at or before completion of the period for which the leave of absence has been granted or shall fail to return to his/her position on the date of approved reinstatement, the Town Administrator shall notify the employee that his/her employment is considered to be terminated.

Any denial of a leave of absence under this provision shall not be subject to the grievance procedure.

6.4-6 Personal Leave

Each full-time employee in continuous service shall be eligible to receive twenty-four (24) hours of paid personal leave for use during the fiscal year subject to the approval of the employee's department head. Personal days must be taken in the fiscal year in which they are granted and may not be accumulated.

Full-time employees hired by the Town after July 1 of each year will be credited with personal leave hours for use during the remainder of the fiscal year in accordance with the following schedule:

Hired between July 2 and September 30:	24 hours
Hired between October 1 and December 31:	16 hours
Hired between January 1 and March 31:	8 hours
Hired between April 1 and June 30:	0 hours

Personal leave for regular part-time employees who regularly work twenty (20) or more hours per week will be granted on a pro-rata basis.

6.4-7 Weather-Related Absences

On days when the opening of the Town Offices is delayed as the result of inclement weather, employees are expected to report for work at the delayed opening time. Employees not wishing to report to work due to extreme weather conditions may elect to utilize paid personal or vacation time to compensate for their absence. Use of paid sick leave time in this instance is only acceptable in the case of illness or injury. Absences from work due to weather by employees who do not have paid personal or vacation leave time available will be treated as excused unpaid absences.

In a delayed opening situation, employees who report to work will be paid for a full day. While it is requested that employees make a reasonable effort to report to work by the delayed opening time, safety always comes first. Employees who are unable or unwilling to report to work or who expect to arrive later than the established opening time should leave an appropriate message in the Selectmen's office.

6.4-8 Emergency Personal Leave Policy

The Town Administrator may grant paid or unpaid emergency personal leave to employees in the event of a serious illness of members of the employee's family or other serious personal problem. If paid, leave granted shall be charged first against the employee's accumulated sick leave and second, against the employee's accumulated vacation leave.

6.4-9 Small Necessities Leave

In accordance with the Small Necessities Leave Act (MGL Chapter 149, Section 52D), the Town will provide eligible employees with up to twenty-four (24) hours leave in a fiscal year period for one or more of the following reasons:

- (a) to participate in school activities directly related to the educational advancement of a son or daughter of the employee, such as parent-teacher conferences or interviewing for a new school;
- (b) to accompany a son or daughter of the employee to routine medical or dental appointments, such as for check-ups or vaccinations;
- (c) to accompany an elderly relative of the employee to routine medical or dental appointments or other professional services related to the elder's care, such as interviewing at nursing homes or group homes.

The employee must use said leave in minimum increments of no less than one (1) hour. The Town will require the employee to substitute any other accumulated paid leave time for any of the leave provided under this section.

In order to be entitled to leave, the employee must provide notice to his/her department head as follows:

- (a) If the leave is foreseeable, the employee must request the leave not later than seven (7) days in advance;

- (b) If the leave is not foreseeable, the employee must provide his/her department head as much advance notice as practicable under the particular circumstances;
- (c) This notice should, to the extent possible, be in writing to the department head.

To be eligible for leave, an employee must be employed by the Town for at least twelve (12) months and have worked at least one thousand two hundred and fifty (1,250) hours within the previous twelve (12) month period.

6.5 Family Medical Leave

6.5-1 Coverage

Any employee who has worked for the Town for at least twelve (12) months and has worked at least one thousand two hundred and fifty (1,250) hours within the past twelve (12) month period.

6.5-2 Policy

All leaves governed by the Federal Family Medical Leave Act shall be eligible for provisions specified in that Act, in accordance with the Town of Brewster's Family Medical Leave Policy.

**Incorporated herein and made a part hereof by reference is Family Leave Policy No. 16 issued by the Brewster Board of Selectmen and attached hereto in Addendum 2, as the same may be amended from time to time.

6.6 Longevity

Regular full-time employees shall receive an annual payment after (6) years of continuous employment of \$150.00 per year of service beyond the sixth (6th) year, capped at the sum of \$1,500.00 for all those employees who, as of July 1, 2012, were receiving less than that amount. Employees, who as of July 1, 2012, are receiving longevity benefits in excess of \$1,500.00, will continue to receive those longevity benefits annually at the rate they were receiving as of July 1, 2012 until termination of employment with the Town. Said payment shall be paid on or about the employee's anniversary date of employment with the Town commencing on the employee's completion of six years of employment. This longevity payment shall not apply to seasonal or part-time employees.

6.7 Employee Incurred Expenses and Reimbursement

6.7-1 Policy

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The town will reimburse all legitimate expenses authorized to be incurred by an employee as a result of that employee performing town business or pursuing educational advancement related to the employee's work.

6.7-2 Coverage

All employees in accordance with section 36-2 of Chapter 36 of the Code of the Town of Brewster.

6.7-3 Mileage Reimbursement

When an employee must use a personal vehicle for town-related business the Town of Brewster will reimburse employees on a per mile basis at a rate set annually by the Chief Financial Officer, consistent with what is determined by the Internal Revenue Service of the United States. Travel expenses between the employee's home and work location are not reimbursable.

Request for reimbursement must be approved by the employee's supervisor on a form that displays the date, the travel occurred; the destination; and the reason for travel and number of miles traveled. When a reimbursement request differs substantially from the standard distance expected to be traveled between the described locations, the Town retains the right to require a written justification of the same and to adjust the amount reimbursed to the employee if it is deemed appropriate.

6.8 Education and Training Policy

It shall be the policy of the Town of Brewster to encourage employees to improve their knowledge and skills by on-the-job training, participation in recognized job related associations and by their enrollment in accredited schools and colleges. The Board of Selectmen shall establish procedures defining the limits of financial assistance and conditions under which assistance may be provided for employees' participation in accredited school and college programs. Any such assistance shall require the pre approval of the employee's department head and the Town Administrator.

Subsequent to completion of probation and prior to registering for a course, an employee covered by the Personnel ByLaw may submit a written request to the Town Administrator or his/her designee for approval of tuition reimbursement for a job-related high school, college or special professional training course. If approved, upon successful completion of the same by an employee, that employee shall be eligible for tuition and text book reimbursement by the Town, subject to the following conditions:

- (a) All employees agree to make every effort to obtain available federal and/or state funding for their attendance.

- (b) Provided an appropriation exists for this purpose, the initial benefit will be up to \$200.00 per course with remaining dollars to be divided equally among the users with additional expenses.
- (c) Total reimbursement for all employees shall be limited to the annual appropriation available during the fiscal year for which it was appropriated.
- (d) Courses must be taken during off-duty times.
- (e) The decision to approve or disapprove a course by the Town Administrator or his/her designee shall not be subject to the grievance process.

The Town may appropriate funds either in a pooled line item or within a departmental budget to cover the cost of employee workshops and training. An employee's attendance at a workshop or training session during work hours shall be subject to the approval of his/her Department Head who shall identify the source of funding, if any, and weigh the needs of the department versus the anticipated benefit from the employee's attendance at the training in making his/her decision. If funds are available within an employee's departmental budget, the decision of the Department Head shall be final. If funding is requested from a mutually shared pool of Town funds, the request shall be submitted to the Town Administrator whose decision regarding the employee's requested attendance and funding shall be final.

Training that is required to attain a certification that is mandated by an employee's job description shall be paid for by the Town. An employee's time spent in attendance at certification training which has been determined by the Town as required by the employee's assigned job description shall be considered compensatory time, whether or not it is scheduled during regular working hours.

The expense of professional association membership dues may be appropriated within departmental budgets. The decision to appropriate membership dues shall be made as part of the budgetary process.

6.9 Group Insurance

All eligible employees may participate in any insurance plan offered by the Town of Brewster. The monthly health insurance premiums of the PPO and HMO plans shall be split 75% paid by the Town and 25% paid by the employee. The current life insurance and accidental death insurance policies are in the amount of ten thousand (\$10,000) dollars each. Any employee who retires from the Town pursuant to the Barnstable County Retirement Plan shall be entitled to a fifty percent (50%) contribution by the Town for group health and life insurance.

The Town of Brewster also offers eligible employees group dental and vision insurance which are 100% employee paid.

Health, Dental and Vision Insurance membership commences thirty (30) days from date of employment. Life and Accidental Death insurance commences sixty (60) days from date of employment.

6.10 Performance Appraisal Process

6.10-1 Management Personnel

Employees identified as management personnel shall be appraised in accordance with the "Performance Appraisal System for Management".

Each year no later than June 1, the employee and the supervisor/administrative authority shall jointly develop four or more objectives to be accomplished during the next twelve months.

A review of progress made against the objectives may be conducted by the employee and the supervisor/administrative authority after six months.

A review to determine to what extent each performance objective has been accomplished shall be held at the end of a twelve-month period by the employee and the supervisor/administrative authority.

6.10-2 Technical, Clerical and Public Works Personnel

Employees identified as Technical, Clerical and Public Works Personnel shall be appraised in accordance with the "Performance Appraisal System for Technical, Clerical and Public Works Personnel".

Each year, no later than June 1, employees will meet with their supervisors to review the eight criteria established by the "Performance Appraisal System" as the criteria related to the employee's job. Other criteria may be substituted with the approval of the Town Administrator.

At mid-year (January) the supervisor may appraise the employee's performance against the agreed upon criteria and discuss the results with the employee.

Each June the supervisor shall conduct the annual review of performance in accordance with the "Performance Appraisal System".

6.10-3 Performance Appraisal Review and Approval

Each employee shall have the opportunity to review their appraisal of performance and so indicate by signing the appraisal form.

All appraisals of performance shall be reviewed by a level of authority one step higher than the individual making the appraisal. Appraisal forms shall so indicate such review.

6.10-4 New Employee Appraisal of Performance

The performance appraisal system shall, to the extent applicable, be used in appraising the performance of new employees prior to the expiration of the employee's probationary period, and shall become part of the evaluation process.

